In the High Court of Punjab and Haryana, Chandigarh

CWP No. 16617 of 2006

Date of Decision: October 24, 2006

Surender Singh

…Petitioner

Versus

State of Haryana and others

…Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR
HON'BLE MR. JUSTICE M.M.S. BEDI

PRESENT: Mr. N.S. Shekhawat, Advocate,
for the petitioner.

JUDGMENT

M.M. KUMAR, J. (Oral)

The prayer made in this petition is for quashing order dated 22.5.2006 (P-7) dismissing the petitioner from service as Constable. Before his dismissal, the petitioner was charged with dereliction of his duty along with another PHC Pawan Kumar because a dreaded convict Ram Niwas had managed to escape from their custody. The aforementioned convict was convicted by the Additional Sessions Judge, Hisar, to undergo rigorous imprisonment for four years along with fine of Rs. 200/- and was ordered to be

lodged in the Central Jail, Hisar, for serving the sentence. The petitioner along with aforementioned Pawan Kumar took him for lodging in District Jail, Sonepat at odd hours. It has been concluded that the petitioner was involved in criminal conspiracy along with Pawan Kumar and as a result the convict managed to escape from their custody. A regular departmental inquiry was held and both of them were found guilty of charges levelled against them by the Enquiry Officer. The punishing authority, namely the Superintendent of Police awarded them punishment of stoppage of ten future increments with permanent effect, vide order dated 28.8.2002 (P-3). The appeal filed by the petitioner was rejected by the Appellate Authority-cum-Inspector General of Police on 17.3.2003 (P-4). Thereafter a representation was preferred under Rule 16.32 of the Punjab Police Rules, 1934 (as applicable to Haryana) (for brevity, 'the Rules) before the Director General of Police. The Director General of Police issued notice to the petitioner by complying with the provisions of Rule 16.28 of the Rules for enhancing his punishment and after considering his reply he has reached the conclusion that the misconduct committed by the petitioner is gravest of the grave and the view taken by the punishing as well as appellate authorities could not be countenanced. Accordingly, the Director General of Police has passed the order of dismissal after due compliance with the provisions of law.

Having heard the learned counsel and perusal of the petition along with annexures we are of the view that the order passed by the Director General of Police does not call for any interference.

Once it has been proved in the departmental inquiry that the petitioner along with another Constable was instrumental in hatching a conspiracy facilitating escape of the convict Ram Niwas then it has to be regarded as a gravest act of misconduct. There is no legal infirmity in the impugned order warranting interference of this Court. Accordingly, the petition fails and the same is dismissed.

(M.M. KUMAR)
JUDGE

(M.M.S. BEDI)
JUDGE

October 24, 2006
Pkapoor